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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,678	04/04/2006	Ralf Edelbrock	Q106467	4205

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
MOY, ANNIE	

ART UNIT	PAPER NUMBER
4147	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,678	EDELBROCK, RALF	
	Examiner	Art Unit	
	ANNIE MOY	4147	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/04/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. Claims 6-10 are rejected on the ground of nonstatutory double patenting over claim 1-3 and 5-6 of U. S. Patent No. 7288896 B2 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Double Patenting	
Patent Application	Patent (US 7,288,896 B2)
6. A flat screen panel arrangement, comprising: a flat screen comprising a flat screen panel; an A/D converter for generating a digital image signal from an analog image signal, the A/D converter having an adjustable amplification for generating a maximum video step of the digital image signal based on a maximum video level of the analog image signal; a graphics processor configured to receive the digital image signal; a sensor having a hidden arrangement at the flat screen such that a user of the flat screen does not visually notice the sensor, the sensor sized, arranged and configured to acquire a luminance of a white image displayed on the flat screen panel during a calibration procedure; and a swiveling mechanism for swiveling the sensor from a stand-by position into an acquisition position, the sensor swiveled into the acquisition position when acquiring the luminance, wherein the swiveling of the sensor includes a swiveling movement essentially parallel to the flat screen panel, wherein the graphics processor is configured to: effect change of the luminance by adjusting the amplification of the A/D converter; evaluate the change of luminance; and reach a final adjustment setting of	1. A display device comprising: a display panel for a flat screen, which is illuminated from the rear by light from a backlight; a sensor, which measures luminance; a backlight control, which adjusts the light intensity of the backlight to a selected setpoint value based on the luminance measured by the sensor; and a swivel means for swiveling the sensor; wherein, in a standby position, the sensor is arranged in an area of the display device that is not visible to a viewer; and wherein the swivel means swivels out the sensor, substantially parallel to the display panel, during a calibration phase, from the standby position to a measurement position, for measuring the luminance of a test image that is displayed on the display panel.

the amplification based on the evaluated change of luminance.	
7. The flat screen panel arrangement according to claim 6, wherein the swiveling movement includes lowering the sensor towards the flat screen panel.	2. A display device as claimed in claim 1, wherein the swivel means lowers the sensor toward the display panel when the sensor is swiveled out.
8. The flat screen panel arrangement according to claim 6, further comprising a sealing device for screening the sensor from ambient light while acquiring the luminance.	3. A display device as claimed in claim 1, further comprising a shielding means for shielding the sensor from ambient light while the luminance is being measured.
9. The flat screen panel arrangement according to claim 6, further comprising a cleaning device for cleaning the sensor before, during or after the swiveling movement.	5. A display device as claimed in claim 1, further comprising a cleaning means for cleaning the sensor while the sensor is swiveled out into the measurement position.
10. The flat screen panel arrangement according to claim 6, further comprising a frame for accommodating the flat screen, wherein the sensor and the swiveling mechanism are arranged in a recess of the frame.	6. A display device as claimed in claim 1, wherein the sensor and the swiveling means are arranged in a recess of a frame of the flat screen.

Regarding claim 6, Claim 6 of the application is narrower than claim 1 of the Patent U. S. Patent No." 7,288,896 B2". It well known that flat panel has back light. Patent application has a processor that controls the luminance and adjusts the light according from the sensor.

Regarding claim 7, Claim 7 of the application is broader than claim 2 of the Patent U. S. Patent No." 7,288,896 B2". Applicant's claim does not mention the sensor swiveling out but it would be obvious that the sensor needs to be swivel out in order to move up and down the panel.

Regarding claim 8, Claim 8 of the application is same as claim 3 of the Patent U. S. Patent No." 7,288,896 B2". The sealing device is used to shield he sensor from luminance.

Regarding claim 9, Claim 9 of the application is same as claim 5 of the Patent U. S. Patent No." 7,288,896 B2". When the sensor is moved it is move for measuring the luminance.

Regarding claim 10, Claim 10 of the application is same as claim 6 of the Patent U. S. Patent No." 7,288,896 B2".

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takao Nakano (U.S Patent 6,097,444 "Nakano" hereinafter) in view of Ton Minh Do (U.S Patent 6,633,286).

Regarding claims 1-5 were canceled in preliminary amendments.

Regarding claim 6, Nakano discloses "A flat screen panel arrangement, comprising: a flat screen comprising a flat screen panel;"(see column 15-19) "an A/D converter for generating a digital image signal from an analog image signal, the A/D converter having an adjustable amplification for generating a maximum video step of the digital image signal based on a maximum video level of the analog image signal;"(See column 7 lines 22-28, i.e. an adjustable amplifier is used to generate optimum level input for the analog signal then feed it to the AD converter); "a graphics processor configured to receive the digital image signal; a sensor having a hidden arrangement at the flat screen such that a user of the flat screen does not visually notice the sensor, the sensor sized, arranged and configured to acquire a luminance of a white image displayed on the flat screen panel during a calibration procedure;"(See figure 1 item 8 and Column 7 lines 54-60,i.e. processors are well known in the art that it can receive images. A detector, which works like a sensor, is arranged to receive the image signal that detects the quality of the image. This is done when the panel is trying to get the quality of the image so the panel can update an image with better resolution. The detector is hidden from the view since it is inside the panel); "wherein the graphics processor is configured to: effect change of the luminance by adjusting the amplification of the A/D converter; evaluate the change of luminance; and reach a final adjustment setting of the amplification based on the evaluated change of luminance." (See Figure 1 column 8 lines 10-20, i.e. the processor takes the data about the image quality then sends a signal out to the A/D converter), but Nakado does not discloses the detector being able to swivel.

Do discloses "a swiveling mechanism for swiveling the sensor from a stand-by position into an acquisition position, the sensor swiveled into the acquisition position when acquiring the luminance, wherein the swiveling of the sensor includes a swiveling movement essentially parallel to the flat screen panel," (See column 6/lines 25-31, i.e. the sensor is swiveling to receive light from the transceiver. The sensor is moving parallel to the display)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakano's detector with Do's swiveling mechanism. The motivation to combine Do's swiveling mechanism with Nakano's detector is because a swiveling mechanism would help the sensor to reach the position to receive light.

Regarding claim 10, Do discloses "a frame for accommodating the flat screen, wherein the sensor and the swiveling mechanism are arranged in a recess of the frame." (See fig 2 item 32, i.e. where there is a shaft to hold the monitor and a sensor is attached to the shaft so the sensor can pivot around)

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takao Nakano (U.S Patent 6,097,444 "Nakano" hereinafter) in view of Ton Minh Do (U.S Patent 6,633,286) and Takashi Onishi (U.S. Patent 5,016,049 "Onishi" hereinafter).

Regarding claim 7, Do and Nakano discloses the claim 6, but do not describe a sensor that moves toward a flat screen panel.

However, Onishi discloses "the swiveling movement includes lowering the sensor towards the flat screen panel."(See Column 4 lines 3-7, i.e. a sensor are pivoted so that it can reach a position to sense.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakano's detector and Do's swiveling mechanism with Onishi's sensor which can move up and down. The motivation to combine Do's swiveling mechanism and Nakano's detector with Onishi's sensor is because a swiveling mechanism would help the sensor to reach the position to receive light.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takao Nakano (U.S Patent 6,097,444 "Nakano" hereinafter) in view of Ton Minh Do (U.S Patent 6,633,286) and Daniel Evanicky (U.S. application 2006/0232576 A1 "Evanicky" hereinafter).

Regarding claim 8, Do and Nakano discloses claim 6, but does not describe a sealing device to seal ambient light.

However, Evanicky discloses "a sealing device for screening the sensor from ambient light while acquiring the luminance."(See paragraph 21 lines 14-13, i.e. the cushion is used to seal off all the ambient light that can get to the sensor)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakano's detector and Do's swiveling mechanism with Evanicky's sensor which has a sealing to seal out ambient light. The motivation to combine Do's swiveling mechanism and Nakano's detector with Evanicky's sensor is to measure light more

accurately a sealing is needed to prevent ambient light. Evanicky's invention is trying to adjust luminance for a flat panel display for better display.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takao Nakano (U.S Patent 6,097,444 "Nakano" hereinafter) in view of Ton Minh Do (U.S Patent 6,633,286) and Stuart Garner (U.S. Patent 7,341,695 "Garner" hereinafter).

Regarding claim 9, Do and Nakano discloses claim 6, but does not describe a cleaning device.

However, Garner discloses "a cleaning device for cleaning the sensor before, during or after the swiveling movement." (See column 5 lines 28-32, i.e. a cleaning device is used to clean a sensor).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakano's detector and Do's swiveling mechanism with Garner's cleaning mechanism which cleans the sensor. The motivation to combine Do's swiveling mechanism and Nakano's detector with Garner's cleaning device is to measure light more accurately the sensor has to be clean. Garner's cleaning device is used to clean the foul that has accumulated on the sensor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNIE MOY whose telephone number is (571)270-7175. The examiner can normally be reached on Monday- Friday 8-4pm CT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu-Oanh Bui can be reached on 571-272-7291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KIEU-OANH BUI/
Supervisory Patent Examiner, Art Unit 4147

ANNIE MOY
Examiner
Art Unit 4147